

Introduced by Senator Wolk

February 18, 2010

An act to amend Sections 13550, 13551, 13552.2, and 13552.6 of the Water Code, relating to recycled water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1173, as introduced, Wolk. Recycled water.

(1) Existing law declares that the use of potable domestic water for nonpotable uses is a waste or an unreasonable use of water if recycled water is available, as determined by the State Water Resources Control Board, and other requirements are met.

This bill, instead, would declare that the use of nonrecycled water for nonpotable municipal or industrial uses is a waste or unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

(2) Existing law prohibits a person or public agency from using any water that is suitable for potable domestic use for nonpotable uses if suitable recycled water is available, as determined by the board, and other requirements are met.

This bill, instead, would prohibit a person or public agency from using nonrecycled water that is suitable for nonpotable municipal or industrial uses if suitable recycled water is available, as determined by the board, and other requirements are met.

(3) Existing law declares that the use of potable domestic water for the irrigation of residential landscaping, floor trap priming, cooling towers, and air-conditioning devices is a waste and unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

This bill, instead, would declare that the use of nonrecycled water for those purposes is a waste and unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Recycled water can serve as an alternative to potable and
4 nonpotable municipal and industrial water supplies, with many
5 potential benefits.
6 (b) Potential benefits of recycled water include, but are not
7 limited to, all of the following:
8 (1) Recycled water provides a reliable water supply that is
9 locally controlled.
10 (2) Use of recycled water may decrease the need to divert or
11 import water from sensitive rivers and streams.
12 (3) Recycled water may also allow communities to become less
13 dependent on groundwater and surface water sources.
14 (4) Additionally, water reuse may reduce the nutrient loads from
15 wastewater discharges into waterways, thereby reducing and
16 preventing pollution.
17 (c) Recycled water supplies utilized in place of nonpotable or
18 untreated municipal and industrial water, where appropriate,
19 achieves many of the same benefits as replacement of potable
20 water supplies.
21 (d) The state board currently has an equitable, useful, and
22 effective process for determining the appropriate use of recycled
23 water in place of potable supplies. This same process will be useful
24 in determining the appropriate use of recycled water in place of
25 nonpotable water that could be used for other municipal and
26 industrial purposes.
27 SEC. 2. Section 13550 of the Water Code is amended to read:
28 13550. (a) ~~The Legislature hereby finds and declares that the~~
29 ~~The use of potable domestic nonrecycled~~ water for nonpotable
30 ~~municipal or industrial~~ uses, including, but not limited to,
31 cemeteries, golf courses, parks, highway landscaped areas, and

1 industrial and irrigation uses, is a waste or an unreasonable use of
2 the water within the meaning of Section 2 of Article X of the
3 California Constitution if recycled water is available ~~which that~~
4 meets all of the following conditions, as determined by the state
5 board, after notice to any person or entity ~~who that~~ may be ordered
6 to use recycled water or to cease using ~~potable~~ *nonrecycled* water
7 and a hearing held pursuant to Article 2 (commencing with Section
8 648) of Chapter 1.5 of Division 3 of Title 23 of the California Code
9 of Regulations:

10 (1) The source of recycled water is of adequate quality for these
11 uses and is available for these uses. In determining adequate
12 quality, the state board shall consider all relevant factors, including,
13 but not limited to, food and employee safety, and level and types
14 of specific constituents in the recycled water affecting these uses,
15 on a user-by-user basis. In addition, the state board shall consider
16 the effect of the use of recycled water in lieu of ~~potable~~ *nonrecycled*
17 water on the generation of hazardous waste and on the quality of
18 wastewater discharges subject to regional, state, or federal permits.

19 (2) The recycled water may be furnished for these uses at a
20 reasonable cost to the user. In determining reasonable cost, the
21 state board shall consider all relevant factors, including, but not
22 limited to, the present and projected costs of supplying, delivering,
23 ~~and or treating potable domestic~~ *nonrecycled* water for these uses
24 and the present and projected costs of supplying and delivering
25 recycled water for these uses, and shall find that the cost of
26 supplying the treated recycled water is comparable to, or less than,
27 the cost of supplying ~~potable domestic~~ *nonrecycled* water.

28 (3) After concurrence with the State Department of ~~Health~~
29 ~~Services~~ *Public Health*, the use of recycled water from the proposed
30 source will not be detrimental to public health.

31 (4) The use of recycled water for these uses will not adversely
32 affect downstream water rights, will not degrade water quality,
33 and is determined not to be injurious to plantlife, fish, and wildlife.

34 (b) In making the determination pursuant to subdivision (a), the
35 state board shall consider the impact of the cost and quality of the
36 ~~nonpotable recycled~~ water on each individual user.

37 (c) The state board may require a public agency or person
38 subject to this article to furnish information ~~which that~~ the state
39 board determines to be relevant to making the determination
40 required in subdivision (a).

SEC. 3. Section 13551 of the Water Code is amended to read:

13551. A person or public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, shall not use *nonrecycled* water from any source of quality suitable for ~~potable domestic municipal or industrial~~ use for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses if suitable recycled water is available as provided in Section 13550; ~~however, any.~~ The use of recycled water in lieu of *nonrecycled* water suitable for ~~potable domestic municipal or industrial~~ use shall, to the extent of the recycled water so used, be deemed to constitute a reasonable beneficial use of that *nonrecycled* water and the use of recycled water shall not cause any loss or diminution of any existing water right.

SEC. 4. Section 13552.2 of the Water Code is amended to read:

13552.2. (a) ~~The Legislature hereby finds and declares that the~~ The use of ~~potable domestic~~ *nonrecycled* water for the irrigation of residential landscaping is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for this use, is available to the residents and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

SEC. 5. Section 13552.6 of the Water Code is amended to read:

13552.6. (a) ~~The Legislature hereby finds and declares that the~~ The use of ~~potable domestic~~ *nonrecycled* water for floor trap priming, cooling towers, and air-conditioning devices is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for these uses, is available to the user, and the water meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to submit information that the state board

- 1 determines may be relevant in making the determination required
- 2 in subdivision (a).

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